

# MANDATE

S.D.N.Y. – N.Y.C.  
19-cv-11711  
Liman, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 15<sup>th</sup> day of September, two thousand twenty-three.

Present:

Jon O. Newman,  
José A. Cabranes,  
Maria Araújo Kahn,  
*Circuit Judges.*

USDC SDNY  
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Eric Passman, individually and on behalf of all others similarly situated, et al.,

*Petitioners,*

v.

23-809

Peloton Interactive, Inc.,

*Respondent.*

Petitioners request, pursuant to Federal Rule of Civil Procedure 23(f), leave to appeal the district court's order denying class certification. Upon due consideration, it is hereby ORDERED that the petition is DENIED because an immediate appeal is not warranted. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139–40 (2d Cir. 2001).

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk of Court

  
Catherine O'Hagan Wolfe

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit



  
Catherine O'Hagan Wolfe

MANDATE ISSUED ON 09/15/2023